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DATE: OCTOBER 3, 2005

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FACSIMILE No.: (571) 273-8300

FROM: DAVID W. OSBORNE/TODD B. ALDER

TRANSMITTED BY: JUDY ANDERSON

OUR DOCKET NO.: 23625.CON

SUBJECT: 23625.CON – (FIKSTAD ET AL)

REMARKS:

ATTACHED PLEASE FIND A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 CFR SECTION 1.78(A)(3).

WE AWAIT YOUR CONFIRMATION OF RECEIPT.

THANK YOU.

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Patent App. SN: 10/764,016
Attorney Docket No. 23625.CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| <p>APPLICANT: Fikstad et al.</p> <p>SERIAL NO.: 10/764,016</p> <p>FILED: January 23, 2004</p> <p>FOR: PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE</p> <p>ART UNIT: 1614</p> <p>EXAMINER: Royds, L.</p> <p>DOCKET NO.: 23625.CON</p> | <p>CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8</p> <p>I hereby certify under 37 CFR § 1.8 that this correspondence is being facsimile transmitted to the USPTO or being deposited with the United States Postal Service with sufficient postage as first class postage in an envelope addressed to Commissioner of Patents Alexandria, VA 22313 on the date indicated below.</p> <p><i>Judy Anderson</i> Judy Anderson</p> <p><u>10/3/2005</u> Date of Deposit</p> |
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**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR THE
BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. § 1.78(a)(3)**

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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a petition to correct a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3), and in accordance with the fees set forth in 37 C.F.R. 1.17(t).

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Patent App. SN: 10/764,016
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REMARKS

Applicants submit this petition to amend a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3). Applicants submit that the entire delay for filing the proper claim of benefit was unintentional and respectfully requests acceptance of this petition.

The following is the paragraph required by 35 U.S.C. 120 and 37 C.F.R. 1.78(a)(2):

“This application is a continuation of U.S. Patent App. No. 10/700,838 filed on November 3, 2003, which is a continuation in part of U.S. Patent App. No. 10/428,341 filed on May 1, 2003, now issued as U.S. Patent No. 6,923,988, which is a continuation of U.S. Patent App. No. 09/800,593 filed on March 6, 2001, now issued as U.S. Patent No. 6,569,463, which is a division of U.S. Patent App. No. 09/447,690, now issued as U.S. Patent No. 6,248,363.”

Patent App. SN: 10/764,016
Attorney Docket No. 23625.CON

CONCLUSION

Please charge Deposit Account No. 20-0100 for the required fee of \$1,370.00 as specified in 37 C.F.R. 1.17(t). In any other event remediable by a fee, please credit any over payment or charge any additional fees to the above deposit account.

Dated this 3rd day of October 2005.

Respectfully submitted,

THORPE, NORTH & WESTERN, LLP



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